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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,775	09/27/2001	Danny D. Lowe	01-313-US-D	3431

7590 08/12/2004
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EXAMINER

LEE, JOHN J

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,775

Applicant(s)

LOWE ET AL.

Examiner

JOHN J LEE

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 59-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 59-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 3/11/2002 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered.

The Applicant is required to submit the PTO Form 1449.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 59 – 65** are rejected under 35 U.S.C. 102(b) as being anticipated by Testani et al. (US patent number 5,852,506).

Regarding **claim 59**, Testani discloses that a transmitter (Fig. 1 and abstract). Testani teaches that means for transmitting data to at least one of a plurality of remote receivers (24, 26, 30, 36 in Fig. 1) over a particular transmission channel (Fig. 12, column 1, lines 57 – column 2, lines 45, and abstract, where teaches the transmitter transmits commands to the receiver that the allow the receiver to lock onto a particular channel). Testani teaches that means for controllably disabling at least one control on the one remote receiver (24, 26,

30, 36 in Fig. 1) (a listener only necessary to allow the user to move, far enough out of the range of Zone 1 to allow it to receive only on channel 1 see Fig. 12) so that the particular transmission channel cannot be switched by a user of the one remote receiver (Fig. 1, 12, 14, column 1, lines 57 – column 2, lines 45, and column 15, lines 9 – 65, where teaches once selected the particular channel, the channel is locked and pulse width changes thereafter will not change it).

Regarding **claim 60**, Testani discloses that the data originates from at least one of a plurality of different input sources selected from the group consisting of TV, cable, VCR, DVD, satellite broadcast, telephone, **or** database (column 1, lines 26 – 54 and Fig. 1).

Regarding **claim 61**, Testani discloses that means for reactivating any disabled control on the one remote receiver (Fig. 1, 12, 14, column 1, lines 57 – column 2, lines 45, and column 15, lines 9 – column 16, lines 61).

Regarding **claim 62**, Testani discloses that means for detecting a presence of a user in proximity to said transmitter (abstract, Fig. 1, 12, and column 5, lines 11 – column 6, lines 8).

Regarding **claim 63**, Testani discloses that means for tuning the one remote receiver to the particular channel based on a momentary connection between the receiver and the transmitter (Fig. 1, 5, 12, abstract, and column 6, lines 20 – 49).

Regarding **claim 64**, Testani discloses that means for tuning the one remote receiver to the particular channel based on a control signal exchanged

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between the receiver and the transmitter (Fig. 1, 14 and column 18, lines 27 – column 19, lines 52).

Regarding **claim 65**, Testani discloses that a sensor and wherein a mode of operation of sensor is chosen from the group consisting of ultrasound, motion, IR, sound, light, applied manual pressure, heat, and air pressure (Fig. 1, 13, 16, column 1, lines 57 – column 2, lines 45, and column 17, lines 34 – 67).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Koenck et al. (US Patent number 6,006,100) discloses Multi-Level, Hierarchical Radio-Frequency Communication System.

Testani et al. (US Patent number 6,141,357) discloses Controlling Mobile Receivers.

Koenck et al. (US Patent number 6,749,122) discloses Multi-Level, Hierarchical Radio-Frequency Communication System.

Information regarding...Patent Application Information Retrieval (PAIR) system... at 866-217-9197 (toll-free)."

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

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Or:

(703) 308-6606 (for informal or draft communications, please label
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications
from the examiner should be directed to **John J. Lee** whose telephone number is
(703) 306-5936. He can normally be reached Monday-Thursday and alternate
Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful,
the examiner's supervisor, **Nay Aung Maung**, can be reached on **(703) 308-7745**.
Any inquiry of a general nature or relating to the status of this application should
be directed to the Group receptionist whose telephone number is (703) 305-4700.

J.L
July 29, 2004

John J Lee


NICK CORSARO
PATENT EXAMINER